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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(SAN JOSE DIVISION)

In re: HP INKJET PRINTER  
LITIGATION,

Master File No. C05-3580 JF

**JOINT STIPULATION RE AMENDED  
DISCOVERY AND PRETRIAL  
SCHEDULE; AND PROPOSED ORDER**

This Document Relates To:

All Actions

Date: N/A  
Time: N/A  
Ctm: 3  
Before: The Honorable Jeremy Fogel

WHEREAS, the parties previously agreed upon and the Court approved Case Management Order No. 2 setting forth a discovery and pretrial schedule;

WHEREAS, the parties previously agreed upon and the Court approved a Joint Stipulation re Revised Discovery and Pretrial Schedule;

WHEREAS, the parties are preparing to make submissions to the Court regarding the issues to be decided on class certification;

WHEREAS, the parties have indicated that they intend to use one or more experts in support of or in opposition to class certification;

WHEREAS, the parties intend to conduct expert discovery in connection with the submissions on class certification;

WHEREAS, defendant Hewlett-Packard intends to file a Motion for Summary Judgment as to the claims of the named plaintiffs;

WHEREAS, the parties agree that some minor adjustments to the current schedule are needed in order to allow sufficient time for the necessary briefing and expert discovery in connection with the plaintiffs' class certification motion and defendant's summary judgment motion;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel that the Case Management Order and the Joint Stipulation re Revised Discovery and Pretrial Schedule be amended to include the following discovery and pretrial schedule:

July 20, 2007	Plaintiffs to file: (1) expert report on class certification; and (2) motion for class certification.
August 3, 2007	Defendant to disclose rebuttal expert witnesses to be used in connection with class certification.
September 21, 2007	Defendant to file motion for summary judgment as to the named plaintiffs.
September 28, 2007	Defendant to file: (1) expert report on class certification; and (2) opposition to motion for class certification.
October 19, 2007	Plaintiffs to file opposition to motion for summary judgment.

November 2, 2007 Plaintiffs to file reply in support of motion for class certification.

Defendant to file reply in support of motion for summary judgment.

November 16, 2007 Hearing on plaintiffs' motion for class certification and defendant's motion for summary judgment.

The parties will submit a proposed schedule for the remainder of the case should it be necessary following the Court's ruling on class certification and summary judgment.

In addition to the above agreed-upon schedule, plaintiffs reserve the right to request additional discovery that may be essential to justify their opposition to defendant's summary judgment motion pursuant to Federal Rule of Civil Procedure 56(f). Plaintiffs will meet and confer with defendant regarding any such additional discovery after receiving and reviewing defendant's motion for summary judgment. If no agreement can be reached, Plaintiffs will file the appropriate motion before the Court to seek relief.

On account of the complexity of the issues to be decided on class certification, the parties have also agreed that the page limit requirements contained in Local Rule 7-2(b) [moving papers] and 7-3(a) [opposition papers] should be increased to 35 pages.

**IT IS SO STIPULATED.**

1  
2 Dated: July \_\_, 2007



Niall P. McCarthy  
COTCHETT, PITRE & McCARTHY

Patrick McNicholas  
MCNICHOLAS & MCNICHOLAS LLP

Jonathan Shub  
SEEGER WEISS LLP

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10 Dated: July 19, 2007

By: 

Peter Sullivan  
Samuel G. Liversidge  
GIBSON DUNN & CRUTCHER LLP

Robert Particelli  
MORGAN LEWIS & BOCKIUS, LLP

*Attorneys for Defendant Hewlett-Packard Company*

[PROPOSED] ORDER

Good cause having been shown, the Joint Stipulation re Amended Discovery and Pretrial Schedule is hereby adopted by the Court and the parties are ordered to comply with this Order. The Court also approves the parties' request for an extension of the page limits permitted under the Local Rules. Plaintiffs shall have no more than 35 pages for their memorandum in support of their motion for class certification; HP shall have no more than 35 pages for its memorandum in opposition to plaintiffs' motion for class certification.

**IT IS SO ORDERED.**

Dated: 7/23/07



The Honorable Jeremy Fogel  
United States District Judge

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**CERTIFICATE OF SERVICE**

I, Colleen Vignati, declare as follows:

I am employed in the County of Santa Clara, State of California. I am over the age of eighteen years and am not a party to this action; my business address is 1881 Page Mill Road, Palo Alto, California, 94304, in said County and State; I am employed in the office of Sally J. Berens, a member of the bar of this Court, and at her direction, on July 19, 2007, I served the following:

**JOINT STIPULATION RE AMENDED DISCOVERY AND PRETRIAL SCHEDULE;  
AND PROPOSED ORDER**

on the interested parties in this action, by:



**BY MAIL:** I placed a true copy in a sealed envelope addressed as indicated above, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.



**BY PERSONAL SERVICE:** I placed a true copy in a sealed envelope addressed to each person[s] named at the address[es] shown and giving same to a messenger for personal delivery before 5:00 p.m. on the above-mentioned date.



**BY FACSIMILE:** From facsimile machine telephone number (650) 849-5333, on the above-mentioned date, I served a full and complete copy of the above-referenced document[s] by facsimile transmission to the person[s] at the number[s] indicated.



**BY OVERNIGHT MAIL:** I placed a true copy in a sealed envelope addressed as indicated above, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for delivery by Federal Express. Pursuant to that practice, envelopes placed for collection at designated locations during designated hours are delivered to Federal Express with a fully completed airbill, under which all delivery charges are paid by Gibson, Dunn & Crutcher, that same day in the ordinary course of business.




**SERVICE BY E-MAIL:** By transmitting by e-mail a true and correct copy(ies) thereof to the attorney(s) of record.

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I certify under penalty of perjury that the foregoing is true and correct, that the foregoing document(s), and all copies made from same, were printed on recycled paper, and that this Certificate of Service was executed by me on July 19, 2007, at Palo Alto, California.

  
\_\_\_\_\_  
Colleen Vignati

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